

**A. Claim 1**

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites a warping part for warping a recording medium, and a discharge roller provided downstream of a warped portion of the recording medium.

In the April 9, 2003 Office Action, the Examiner maintained that the bent part disposed at rollers 5, 6a and 6b of Suzuki disclose the claimed warping part, and that roller 6b also discloses the claimed discharge roller. In the present Office Action, the Examiner now maintains that the warping part is disposed at just rollers 5 and 6a, rather than rollers 5, 6a **and** 6b. The Examiner continues to maintain that roller 6b discloses the claimed discharge roller.

However, as noted in our July 9, 2003 Amendment, recording medium P does not actually get “warped” until it comes in contact with roller 6b (Fig. 2). As shown in Fig. 2, recording medium P continues along its transporting path until it reaches roller 6b, which warps, or bends the recording medium P. The recording medium P cannot be warped solely by rollers 5 and 6a, as maintained by the Examiner in the present Office Action. Therefore, based on the Examiner’s current position, Suzuki fails to teach or disclose the claimed warping part.

Claim 1 further recites that a guide member is ascendingly inclined with respect to a transport path section.

The Examiner has failed to indicate specifically where the guide member of Suzuki is located or whether it is “ascendingly” inclined. In the July 9, 2003 Amendment, Applicant provided the Examiner with an annotated figure which shows where Applicant assumes the

Amendment under 37 C.F.R. § 1.111  
U.S. Application No. 10/028,995

Examiner intended the guide member to be. Applicant again encloses the annotated figure for the Examiner's reference. As shown in the figure, Applicant believes the Examiner contends that portion A discloses the guide member. However, as shown in the annotated figure, Suzuki fails to teach or disclose that portion A is "ascendingly" inclined. Therefore, Applicant submits that Suzuki fails to teach or suggest the claimed guide member. Further, Applicant notes that if the Examiner wishes to persist in this rejection, Applicant respectfully requests that the Examiner point out exactly where Suzuki discloses an ascendingly inclined guide member, as required by claim 1.

In addition, claim 1 recites a transport path section which transports the recording medium in a transporting direction and which is disposed between the guide member and the recording unit.

The Examiner acknowledges that Suzuki fails to teach or suggest such a feature, but contends that Miyasaka does. In particular, the Examiner maintains that Miyasaka discloses a transport path section right after record unit 36 in Fig. 1. However, the portion right after record unit 36 appears to be a part of sheet passage member 16, which extends from just before record unit 36 all the way to portion 60 (Fig. 1). Applicant submits that one skilled in the art would not be motivated to provide such a large transport path section between recording head 7 and the alleged guide member of Suzuki.

In light of the above, Applicant submits that claim 1 is patentable over the combination of the cited references.

Amendment under 37 C.F.R. § 1.111  
U.S. Application No. 10/028,995

**B. Claims 2-5, 10-11 and 19**

Since claims 2-5, 10-11 and 19 are dependent, either directly or indirectly, upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

**II. Rejection under 35 U.S.C. §103(a) over Suzuki and Miyasaka in view of U.S. Patent No. 6,293,670 to Taniguro et al. (“Taniguro”).**

Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Suzuki, Miyasaka and Taniguro. However, since claim 12 is indirectly dependent upon claim 1, and Taniguro fails to cure the deficient teachings of Suzuki and Miyasaka, Applicant submits that claim 12 is patentable at least by virtue of its dependency.

**III. Rejections under 35 U.S.C. § 103(a) over Suzuki and Miyasaka in view of JP 11-268857 to Yamada et al. (“Yamada”).**

Claims 6, 7 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Suzuki, Miyasaka and Yamada.

**A. Claim 6**

The Examiner acknowledges that Suzuki and Miyasaka fail to teach supporting parts supporting both side edges of the recording medium warped by the warping part, but maintains

Amendment under 37 C.F.R. § 1.111  
U.S. Application No. 10/028,995

that Yamada does. However, claim 6 contains analogous limitations as recited in claim 1. Since Yamada fails to cure the deficiencies of Suzuki and Miyasaka, which were discussed above, Applicant submits that claim 6 is not rendered obvious over the combination of the cited references.

#### **B. Claims 7 and 9**

Since claims 7 and 9 are dependent upon claim 6, Applicant submits that such claims are patentable at least by virtue of their dependency.

#### **IV. Allowable Subject Matter**

As stated previously, the Examiner has indicated that claims 13-18 are allowed. Further, the Examiner has indicated that claim 8 contains allowable subject matter, but is objected to due to its dependency upon rejected claim 6.

#### **V. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111  
U.S. Application No. 10/028,995

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Allison M. Tulino  
Registration No. 48,294

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: January 5, 2004

Fig. 2

